



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1996

Mr. Edwin M. Snyder
First Assistant City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR96-0135

Dear Mr. Snyder:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#37760.

The City of Plano Health Department (the "city") received a request for the name and address of an individual who filed a complaint with the city. You contend that the portion of the requested information revealing the name and telephone number of the informer is excepted from required public disclosure under the informer's privilege as set forth under section 552.101 of the Government Code.

The informer's privilege is a well established aspect of section 552.101 of the Government Code. *Open Records Decision No. 515 (1988)*. The informer's privilege serves to encourage the flow of information to the government by protecting the identity of the informer. *Open Records Decision No. 549 (1990)*. Moreover, the basis for the informer's privilege is to protect informers from retaliation and thus encourage them to cooperate with law enforcement efforts. *Open Records Decision No. 470 (1987)*.

The informer's privilege aspect of section 552.101 of the Government Code is applicable not only to those individuals who make reports to the police or similar law-enforcement agencies; it also applies when the informer reports violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." *Open Records Decision No. 279 (1981)* at 2 (*citing* Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)).

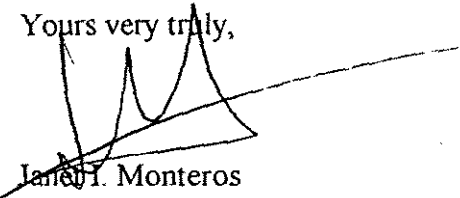
As the city has noted in its request for a ruling, this person has reported alleged violations of a city ordinance which may subject a person to prosecution in an enforcement action in

municipal court. Violations of a city ordinance are Class C misdemeanors. See Code Crim. Proc. art. 4.14 (jurisdiction of municipal court); Penal Code §12.23.

We conclude that the name and telephone number of the individual who reported the alleged violation of a city ordinance is excepted from disclosure by the informer's privilege aspect of section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 37760

Enclosures: Submitted documents

cc: Mr. James R. Webb III
3248 Sailmaker Lane
Plano, Texas 75023
(w/o enclosures)